

FIRST REGULAR SESSION

HOUSE BILL NO. 843

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARDING, COPENHAVER, WILLIAMS, KELLEY (47),
KELLY (36) (Co-sponsors) AND BARTELSMEYER.

Read 1st time February 21, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1855L.011

AN ACT

To amend chapter 311, RSMo, by adding thereto one new section relating to liquor control.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 311, RSMo, is amended by adding thereto one new section, to be
2 known as section 311.603, to read as follows:

311.603. 1. As used in this section, the following terms shall mean:

2 **(1) "Keg", any container capable of holding four gallons or more of beer, wine or**
3 **intoxicating liquor which is designed to dispense beer, wine or intoxicating liquor directly**
4 **from the container for purposes of consumption;**

5 **(2) "Registration seal", any document, stamp, declaration, seal, decal, sticker or**
6 **device approved by the supervisor which is designed to be affixed to kegs and which**
7 **displays a registration number and such other information as may be prescribed by the**
8 **supervisor; and**

9 **(3) "Supervisor", the supervisor of liquor control appointed pursuant to section**
10 **311.610, RSMo.**

11 **2. The supervisor may grant to any person licensed to sell beer, wine or intoxicating**
12 **liquor pursuant to section 311.200, RSMo, a permit to sell such beer, wine or intoxicating**
13 **liquor in kegs for off-premises consumption. Such permit shall be subject to suspension**
14 **or revocation, as provided in section 311.680, RSMo.**

15 **3. The provisions of this section shall not be construed to require a permit of a**
16 **person licensed pursuant to chapter 311, RSMo, who sells beer, wine or intoxicating liquor**
17 **for on-premises consumption pursuant to such license.**

18 **4. No person licensed pursuant to chapter 311, RSMo, to sell beer, wine or**

19 intoxicating liquor at retail for off-premises consumption, or any officer, agent or employee
20 thereof, shall sell any such beer, wine or intoxicating liquor in a keg without having
21 obtained a permit pursuant to this section, registered the sale on a form prescribed by the
22 supervisor and affixed a registration seal on the keg at the time of sale. If the purchaser
23 takes possession of the keg at the premises of the wholesale licensee pursuant to subsection
24 11 of this section, then the wholesale licensee shall affix the registration seal.

25 **5. Prior to the sale of beer, wine or intoxicating liquor in kegs, the keg registration**
26 **declaration and receipt form provided by the supervisor shall be properly completed and**
27 **shall contain the following:**

28 **(1) The name and address of the purchaser verified by valid identification as**
29 **determined by rules and regulations promulgated by the supervisor;**

30 **(2) The type of identification presented by the purchaser;**

31 **(3) A statement signed by the purchaser indicating that the purchaser is twenty-one**
32 **years of age or older, does not intend to allow persons under twenty-one years of age to**
33 **consume the alcoholic beverages purchased, and that the purchaser will not remove or**
34 **obliterate the keg registration tag affixed to the keg or allow its removal or obliteration.**

35 **6. Where the purchaser obtains more than one keg for consumption at the same**
36 **location and on the same date, only one keg registration declaration and receipt form need**
37 **be completed. All other keg registration declaration and receipt forms for that particular**
38 **transaction shall contain the registration number from the fully completed form as a**
39 **reference and shall be signed by the purchaser. Such keg registration declaration and**
40 **receipt forms which contain the reference number of a fully completed form and which**
41 **have been signed by the purchaser shall constitute a valid and properly completed keg**
42 **registration and declaration receipt.**

43 **7. The keg registration seal affixed to the keg may serve as the purchaser's receipt.**
44 **Upon receipt of a properly registered keg from a consumer, the permit holder shall remove**
45 **and obliterate the keg registration seal from the keg and shall note such action on the keg**
46 **registration declaration and receipt form which shall be retained by the permit holder on**
47 **the holder's premises. Kegs made of disposable packaging shall not have to be returned**
48 **to the permit holder. The permit holder shall indicate on the keg declaration and receipt**
49 **form that the keg was not returnable due to its disposable packaging.**

50 **8. For the purpose of tracing the kegs and purchaser responsibility, it shall be the**
51 **responsibility of the permit holder to affix the properly completed and signed keg**
52 **registration seal to all containers of four gallons or more of beer, wine or intoxicating**
53 **liquor prior to the container leaving control of such permit holder.**

54 **9. Except as provided in this section, no person shall remove, alter, deface or**

55 obliterate the registration seal affixed to a keg. Disposing of empty kegs made of
56 disposable packaging shall not constitute obliteration of the keg registration seal. If any
57 person is in possession of a keg containing beer, wine or intoxicating liquor in violation of
58 this section and such keg does not bear the registration seal, or upon such keg the
59 registration seal has been altered, defaced or obliterated then the keg and its contents shall
60 be subject to seizure and forfeiture.

61 10. Any permit holder granted a permit by the supervisor pursuant to this section
62 shall maintain a complete and accurate record of all registration forms and other
63 documentation of the sale of kegs at the place of business designated in the permit for a
64 period of one year. Such records shall include the registration seal for nondisposable kegs,
65 which the permit holder shall remove from the keg upon its return by the purchaser. Such
66 records regarding keg sales shall be open to inspection by the supervisor or law
67 enforcement officers for reasonable cause, at a reasonable date and time.

68 11. Before a purchaser may take possession of a keg at the premises of a person
69 licensed as a wholesaler pursuant to chapter 311, RSMo, after purchasing such keg from
70 a permit holder, the purchaser shall be required to complete the registration of the
71 transaction at the premises of the permit holder and deliver the registration seal to the
72 wholesaler who shall affix it to the keg. No wholesaler shall deliver possession of any such
73 keg to the purchaser until the wholesaler has collected payment from the permit holder.

74 12. Except as authorized by the supervisor, no person shall transfer possession of,
75 or give the registered keg or container to, another person. This subsection shall not apply
76 to the return of the registered container to the permit holder.

77 13. The supervisor shall promulgate rules and regulations for the administration
78 of this section and shall design all necessary forms. No rule or regulation or portion of a
79 rule or regulation promulgated pursuant to this section shall become effective unless it has
80 been promulgated pursuant to the provisions of chapter 536, RSMo.

81 14. This section shall become effective on January 1, 2002, and shall expire on
82 December 31, 2006.